

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, SEPTEMBER 27, 2004 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair: Werner; Council Members: Camp, Cook, Friendt, McRoy, Newman, Svoboda; Joan Ross, City Clerk.

Council Chair Werner asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

MCROY Having been appointed to read the minutes of the City Council proceedings of September 20, 2004, reported having done so, found same correct.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**PUBLIC HEARING**

APPLICATION OF GAS 'N SHOP, INC. DBA GAS 'N SHOP #9 FOR A CLASS D LIQUOR LICENSE AT 951 WEST O STREET;

MANAGER APPLICATION OF CONNIE LOU HYNEK FOR GAS 'N SHOP, INC. DBA GAS 'N SHOP #9 AT 951 WEST O STREET - Dorothy Bockoven, PO Box 81463, took oath and came forward for approval on behalf of Connie Lou Hynek, who was not able to attend the meeting.

This matter was taken under advisement.

APPLICATION OF PERSHING CENTER FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA ON N STREET FROM 16TH TO THE MIDDLE OF THE BLOCK BETWEEN 15TH AND 14TH STREETS, CENTENNIAL MALL FROM O STREET TO M STREET, ON OCTOBER 7, 2004 FROM 4:00 P.M. TO 12:00 A.M., OCTOBER 8, 2004 FROM 11:00 A.M. TO 12:00 A.M., AND OCTOBER 9, 2004 FROM 8:30 A.M. TO 12:00 A.M. - Tom Lorenz, Executive Director of Pershing Center, came forward for approval.

This matter was taken under advisement.

CREATING PAVING DISTRICT NO. 2629 IN A PORTION OF WEST BENTON STREET FROM THE WEST CURB LINE OF NORTH FIRST STREET TO THE WEST APPROXIMATELY 600 FEET - Vince Metzger, 130 W. Benton, came forward in support.

Kim Deubelbiss, 200 W. Benton, came forward in support.

Gary Deubelbiss, 200 W. Benton, came forward in support.

Donna Tucker, 3901 N. 1<sup>st</sup> Street, came forward in opposition.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to help answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

AMENDING CHAPTER 5.38 OF THE LINCOLN MUNICIPAL CODE RELATING TO MOTELS, HOTELS, ROOMING, LODGING, AND APARTMENT HOUSES TO ADD DEFINITIONS OF DWELLING UNIT AND ROOMING UNIT, TO PROVIDE FOR AN ANNUAL INSPECTION, TO PROVIDE FOR AN INTERIOR INSPECTION PROCEDURE, AND TO REQUIRE TENANT BROCHURES - David Anderson, 1834 G Street, came forward asking for approval. Further discussion followed.

Glenn Cekal, 1420 C Street, came forward to express his concerns.

Danny Walker, 427 E Street, came forward to express his concerns.

Mark Bousek, 1005 Claremont Street, came forward in opposition.

Further discussion followed.

Mike Merwick, Director of Building and Safety, came forward to clarify that his department did not initiate these changes, has worked with REOMA, and have differing views of this issue but have brought this forward in behalf of REOMA. Mr. Merwick answered questions of the Council. Further discussion followed.

Dana Roper, City Attorney, came forward to help answer questions of the Council. Further discussion followed.

Mr. Anderson came forward for rebuttal.

This matter was taken under advisement.

APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FY 2004-2005 THROUGH FY 2009-2010;

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FY 2004-2005 THROUGH FY 2009-2010 - Alan Abbott, Director of Public Works and Utilities, came forward asking for approval. Further discussion followed.

Steve Masters, Public Works and Utilities, came forward to help answer questions of the Council. Further discussion followed.

Margaret Remmenga, Public Works and Utilities, came forward to help answer questions of the Council. Further discussion followed.

Glenn Cekal, 1420 C Street, came forward to opposition and to express his concerns on this matter.

Craig Groat, 4935 Huntington Avenue, came forward in opposition and to express his concerns with this matter. Further discussion followed.

Mr. Abbott came forward again to help answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 04035 - APPLICATION OF CHRIS KODAD AND BELIEVER'S FELLOWSHIP CHURCH TO DEVELOP ANDREA'S COURT COMMUNITY UNIT PLAN CONSISTING OF 32 TOWNHOUSE UNITS AND A CHURCH, WITH REQUESTED WAIVERS TO ELIMINATE THE PRELIMINARY PLAT PROCESS, DETENTION/RETENTION STORAGE FOR STORM WATER, SIDEWALKS ON BOTH SIDES OF THE PRIVATE ROADWAY, MINIMUM LOT AREA, CUL-DE-SAC GEOMETRY, AND THE REQUIRED YARD SETBACKS, ON PROPERTY GENERALLY LOCATED AT 40TH AND SUPERIOR STREETS - Chris Kodad, came forward on behalf of Ross Engineering to ask for a 1 week continuance on this item. Further discussion followed.

Ken Moore, 4035 N. 40<sup>th</sup> Street, came forward in opposition.

Kirk Nelson, 4010 Jersey Circle, came forward in opposition.

Jerry Placzek, 4000 Pleasant View Circle, came forward and expressed his concerns with the high traffic volume in this area. He suggested a traffic study should be done in this area first.

Stu Essman, 4141 N. 42<sup>nd</sup> Circle, came forward in support of the Church being built. However, in opposition of the townhomes because it could effect the flood plain.

Craig Groat, 4935 Huntington Avenue, came forward in opposition of the townhomes, but in support of the Church being built.

Chris Kodad, with Ross Engineering, came forward in support and to help answer questions of the Council. Further discussion followed.

Nicole Fleck-Tooze, Public Works and Utilities, came forward to help answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

APPROVING AN APPLICATION OF THE PARKS AND RECREATIONS DEPARTMENT FOR A GRANT APPLICATION TO THE FEDERAL RECREATIONAL TRAILS PROGRAM TO FUND THE .35 MILE PEDESTRIAN/BICYCLE TIERRA CONNECTOR TO CONNECT THE ROCK ISLAND TRAIL AT 27TH AND HIGHWAY 2 TO THE TIERRA WILLIAMSBURG TRAIL IN TIERRA PARK AT APPROXIMATELY 27TH AND TIERRA DRIVE;

APPROVING AN APPLICATION OF THE PARKS AND RECREATIONS DEPARTMENT FOR A GRANT APPLICATION TO THE FEDERAL TRANSPORTATION ENHANCEMENT PROGRAM TO FUND A 2.09 MILE PEDESTRIAN/BICYCLE TO CONNECT THE ANTELOPE CREEK TRAIL AT OLD CHENEY ROAD TO HIGHWAY 2 - Terry Genrich, 6421 Mesaverde Drive, came forward for approval. Further discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE REPLACEMENT OF THE HARRIS OVERPASS ON O STREET FROM 3RD STREET TO 9TH STREET (CITY PROJECT NO. 701781);

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE SOUTHWEST 40TH STREET, O TO A STREET STUDY PROJECT;

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE ANTELOPE VALLEY - PHASE 1, AMENDED DRAFT SINGLE PACKAGE;

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE AT-GRADE RAILROAD CROSSING IN A

STREET AT THE SALT CREEK BRIDGE - Nicole Fleck-Tooze, Public Works and Utilities, came forward to help answer questions of the Council. Further discussion followed.

Randy Hoskins, City Traffic Engineer, came forward to help answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 04004 - APPROVING AMENDMENTS TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ESTABLISH THE HAYMARKET 7TH/8TH STREET CORE REDEVELOPMENT PROJECT IN AN AREA GENERALLY BOUNDED BY R STREET, N. 8TH STREET, O STREET AND N. 7TH STREET - Dallas McGee, Urban Development Department, came forward for approval and to help answer questions of the Council. Further discussion followed.

Fernando Pages, came forward as the applicant for approval. Further discussion followed.

Bob Hampton, President of Hampton Development and partner of Fernando Pages on this project, came forward for approval. Further discussion followed.

Matthew Bromeier, no address given, President of Haymarket Housing Association, came forward in support.

Craig Smith, with B & J Partnership, came forward in support. Further discussion followed.

Kent Seacrest, Attorney, 1111 Lincoln Mall, Suite 350, came forward representing B & J Partnership in support. Further discussion followed.

Dallas McGee, Urban Development Department, came forward to help answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

**\*\* TOOK BREAK 8:23 P.M.**

**RECONVENED 8:35 P.M. \*\***

#### MISCELLANEOUS BUSINESS

Barbara Poppe, no address given, came forward to express her concerns of go carts, golf carts, scooters, etc. She requested that all non-licensed motorized vehicles be removed from public streets and public ways. Further discussion followed.

This matter was taken under advisement.

Bob Van Valkenburg, 7921 Reno Road, came forward to express his concerns regarding current events. Further discussion followed.

This matter was taken under advisement.

Frank Delgado, 3325 P Street, came forward questioning the status of Bill No. 04R-239, which refers to a Parking Management Contract. Further discussion followed.

Dana Roper, City Attorney, came forward to help answer questions of the Council relating to said contract. Further discussion followed.

This matter was taken under advisement.

**\*\* END OF PUBLIC HEARING \*\***

#### COUNCIL ACTION

##### LIQUOR RESOLUTIONS

APPLICATION OF GAS 'N SHOP, INC. DBA GAS 'N SHOP #9 FOR A CLASS D LIQUOR LICENSE AT 951 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82994 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Gas 'N Shop Inc. dba Gas 'N Shop #9 for a Class "D" liquor license at 951 West O Street, Lincoln, Nebraska, for the license period ending April 30, 2005, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF CONNIE LOU HYNEK FOR GAS 'N SHOP, INC. DBA GAS 'N SHOP #9 AT 951 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82995 WHEREAS, Gas 'N Shop, Inc. dba Gas 'N Shop #9 located at 951 West O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Connie Lou Hynek be named manager; WHEREAS, Connie Lou Hynek appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Connie Lou Hynek be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF PERSHING CENTER FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA ON N STREET FROM 16TH TO THE MIDDLE OF THE BLOCK BETWEEN 15TH AND 14TH STREETS, CENTENNIAL MALL FROM O STREET TO M STREET, ON OCTOBER 7, 2004 FROM 4:00 P.M. TO 12:00 A.M., OCTOBER 8, 2004 FROM 11:00 A.M. TO 12:00 A.M., AND OCTOBER 9, 2004 FROM 8:30 A.M. TO 12:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82996 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Pershing Center for a Special Designated License to cover an area on N Street from 16th Street to the middle of the block between 15th and 14th Streets, and Centennial Mall from "O" Street to "M" Street, Lincoln, Nebraska, on October 7, 2004 from 4:00 p.m. to 12:00 a.m., October 8, 2004 from 11:00 a.m. to 12:00 a.m., and October 9, 2004 from 8:30 a.m. to 12:00 a.m. be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

#### ORDINANCES - 2<sup>ND</sup> READING & ASSOCIATED RESOLUTIONS

CREATING PAVING DISTRICT NO.2629 IN A PORTION OF WEST BENTON STREET FROM THE WEST CURB LINE OF NORTH FIRST STREET TO THE WEST APPROXIMATELY 600 FEET - CLERK read an ordinance, introduced by Annette McRoy, an ordinance creating Paving District No. 2629, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

AMENDING CHAPTER 5.38 OF THE LINCOLN MUNICIPAL CODE RELATING TO MOTELS, HOTELS, ROOMING, LODGING, AND APARTMENT HOUSES TO ADD DEFINITIONS OF DWELLING UNIT AND ROOMING UNIT, TO PROVIDE FOR AN ANNUAL INSPECTION, TO PROVIDE FOR AN INTERIOR INSPECTION PROCEDURE, AND TO REQUIRE TENANT BROCHURES - CLERK read an ordinance, introduced by Annette McRoy, an ordinance amending Chapter 5.38 of the Lincoln Municipal Code relating

to Motels, Hotels, Rooming, Lodging, and Apartment Houses by amending Section 5.38.010 to add definitions of dwelling unit and rooming unit; amending Section 5.38.040 to provide for an annual inspection; adding a new section numbered 5.38.0445 to provide for an interior inspection procedure; adding a new section numbered 5.38.085 to require tenant brochures; and repealing Sections 5.38.010 and 5.38.040 of the Lincoln Municipal Code as hitherto existing, the second time.

#### RESOLUTIONS

APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FY 2004-2005 THROUGH FY 2009-2010 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82997 WHEREAS, the City Council of Lincoln, Nebraska, is authorized under Sections 17.60.020 and 17.60.030 of the Lincoln Municipal Code to establish wastewater charges for all customers of the Lincoln Wastewater System.

WHEREAS, Both the Mayor's Advisory Committees, Streets, Roads and Trails (SRT) and the Mayor's Infrastructure Finance Committee (MIFC) support the wastewater rate increases proposed by the City's Public Works & Utilities Department over the next 10 years, to help finance the infrastructure needs identified in the City's Capital Improvement Program. The intent is to acknowledge the need for approval of a 7% user fee increase for Fiscal Year 2004-05; a 7% increase for Fiscal Year 2005-06; and a 7% increase for Fiscal Year 2006-07.

WHEREAS, Lincoln's wastewater infrastructure is a necessary component and is required under city charter to be provided to all areas served within the city limits.

And WHEREAS, Lincoln's wastewater rates have historically remained low, and even with the proposed rate increases will continue this tradition of competitive rates within the region and nationally.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

Effective with the billing cycle commencing on November 15, 2004, the following schedule of wastewater use charges is hereby established and adopted:

##### BASIC WASTEWATER USE CHARGE

(a) The basic wastewater use unit charge is hereby established as 120.5 cents.

(b) For any given residential property, the basic wastewater use charge for each billing cycle shall be determined by multiplying for each such cycle the total amount of water, in hundreds of cubic feet, metered for said property during a billing cycle chosen by the Director from the most recent past winter, by the basic wastewater use unit charge.

In the case of change of occupancy of residential property, if the Director reasonably determines that to compute the basic wastewater use charge for a given billing cycle upon the amount of water used by such property during such winter billing cycle would be inequitable either to the City or to the user, he shall use the average amount of water used by like users during such winter billing cycle to compute such charge.

(c) For any non-residential property, the basic wastewater use charge for a given billing cycle shall be determined by multiplying for each cycle the amount of water or wastewater, in hundreds of cubic feet, measured for said property during such cycle, by the basic wastewater use unit charge.

(d) Non-residential users shall be given credit, at the same rate, for water not discharged into the sanitary sewers provided such water is separately metered with the approval of the Public Utilities Department and at the customer's expense.

(e) Where a wastewater flow meter or other wastewater measuring device is required or permitted by the Director and is used to measure the volume of wastewater discharged into the Lincoln Wastewater System, such wastewater use charge shall be computed thereon at the basic wastewater use unit charge.

##### SERVICE CHARGE

Regardless of whether a wastewater meter is used, there shall be a service charge per month to each property using the Lincoln Wastewater System, determined by the number and size of the water meters serving such property, to-wit:

WATER METER SIZE	SERVICE CHARGE
5/8 inch	\$ 1.31
3/4 inch	1.31
1 inch	1.31
1-1/2 inch	2.62
2 inch	5.24
3 inch	11.79
4 inch	20.96
6 inch	47.17
8 inch	83.85
10 inch	131.02

The minimum service charge for a multiple dwelling unit or a mobile home shall be at least \$0.78 per dwelling unit or mobile home hookup space per month. In those instances where fire protection considerations dictate that a water meter larger than 1-inch service a single-family dwelling unit located on a single lot, the monthly service charge shall be \$1.31 per dwelling unit.

WASTEWATER RATES TO CUSTOMERS OUTSIDE  
THE CITY LIMITS

Customers located outside the City Limits of Lincoln and served by the Lincoln Wastewater System shall pay the same Wastewater rates charged to customers within the City Limits of Lincoln for service furnished them by the Lincoln Wastewater System.

BE IT FURTHER RESOLVED that Resolution No. A-82277, adopted by the City Council on August 20, 2003, is hereby superseded.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, McRoy, Svoboda, Werner; NAYS: Friendt, Newman.

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FY 2004-2005 THROUGH FY 2009-2010 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82998 WHEREAS, the City Council of Lincoln, Nebraska, is authorized under Section 17.22.010 of the Lincoln Municipal Code to establish water use charges for all customers of the Lincoln Water System.

WHEREAS, Both the Mayor's Advisory Committees, Streets, Roads and Trails (SRT) and the Mayor's Infrastructure Finance Committee (MIFC) support the water rate increases proposed by the City's Public Works & Utilities Department over the next 10 years, to help finance the infrastructure needs identified in the City's Capital Improvement Program. The intent is to acknowledge the need for approval of a 5% user fee increase for Fiscal Year 2004-05; a 5% increase for Fiscal Year 2005-06; and a 5% increase for Fiscal Year 2006-07.

WHEREAS, Lincoln's water infrastructure is a necessary component and is required under city charter to be provided to all areas served within the city limits.

And WHEREAS, Lincoln's water rates have historically remained low, and even with the proposed rate increases will continue this tradition of competitive rates within the region and nationally.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

Effective with the billing cycle commencing on November 15, 2004, and ending January 15, 2005, the following schedule of water use charges is hereby established and adopted:

SCHEDULE A

The following rate schedule shall apply to all residential property. "Residential Property" shall be defined as property consisting of dwelling units. If there is more than one use per master meter on any one property including the residential use, the schedule to be used will be determined as residential, if the residential portion is 50 percent or more of the area of the building.

93 cents per 100 cubic feet for the first 800 cubic feet of water used per dwelling unit each month.

128 cents per 100 cubic feet for the next 1500 cubic feet of water used per dwelling unit each month.

189 cents per 100 cubic feet for all additional water used each month. The monthly Service Charge shall be hereinafter provided.

SCHEDULE B

The following rate schedule shall apply for the current calendar year to all non-residential property that used less than 12,000,000 cubic feet of water in the previous calendar year:

93 cents per 100 cubic feet for the first 8000 cubic feet of water used per month.

128 cents per 100 cubic feet for all additional water used each month. The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE C

The following rate schedule shall apply for the current year to all non-residential property that used more than 12,000,000 cubic feet of water in the previous calendar year. On a calendar year basis, a "base usage" of each high user customer will be determined. The base usage is an average of the water usage of each high user customer for the previous three (3) calendar years. The following fees would apply:

87 cents per 100 cubic feet for water usage less than base to 5% above base.

91 cents per 100 cubic feet for water usage 5% - 15% above base.

95 cents per 100 cubic feet for water usage 15% - 25% above base.

100 cents per 100 cubic feet for water usage for all water usage over 25% above base.

The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE D - PROVISIONS APPLICABLE -

TO ALL TYPES OF WATER SERVICE

Service Charge. There shall be a Service Charge per month to each property using the Lincoln Water System, determined by the number and size of the water meter, or meters, serving such property, to-wit:

SERVICE CHARGE FOR

WATER METER SIZE	WATER METER
5/8 inch	\$ 2.95
3/4 inch	2.95
1 inch	2.95
1-1/2 inch	5.90
2 inch	11.80
3 inch	26.55
4 inch	47.20
6 inch	106.15
8 inch	188.75
10 inch	294.90

The Service Charge for a multiple dwelling unit or mobile home shall be at least \$1.81 per dwelling unit or mobile home hookup space per month. In those instances where fire protection considerations dictate that a water meter larger than 1-inch service a single-family dwelling unit located on a single lot, the monthly service charge shall be \$2.95 per dwelling unit. A dwelling unit shall, for the purpose of this schedule, be defined as a room or rooms in which kitchen facilities are provided, located in the building or structure used by a facility or household as a home or residence of the family or household.

WATER RATES TO CUSTOMERS OUTSIDE

THE CITY LIMITS

Customers located outside the City Limits of Lincoln and served by the water system of the City of Lincoln shall pay the same water rates charged to customers within the City Limits of Lincoln for water furnished them by the water system of the City of Lincoln.

BE IT FURTHER RESOLVED that Resolution No. A-82276, adopted by the City Council on August 18, 2003, is hereby superseded.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: Newman.

SPECIAL PERMIT 04035 - APPLICATION OF CHRIS KODAD AND BELIEVER'S FELLOWSHIP CHURCH TO DEVELOP ANDREA'S COURT COMMUNITY UNIT PLAN CONSISTING OF 32 TOWNHOUSE UNITS AND A CHURCH, WITH REQUESTED WAIVERS TO ELIMINATE THE PRELIMINARY PLAT PROCESS, DETENTION/RETENTION STORAGE FOR STORM WATER, SIDEWALKS ON BOTH SIDES OF THE PRIVATE ROADWAY, MINIMUM LOT AREA, CUL-DE-SAC GEOMETRY, AND THE REQUIRED YARD SETBACKS, ON PROPERTY GENERALLY LOCATED AT 40TH AND SUPERIOR STREETS - PRIOR to reading:

COOK Moved to delay public hearing and action for 1 week to 10/4/04.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MCROY Made a friendly motion to override the first motion which moved to delay public hearing and action for 2 weeks to 10/11/04.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING AN APPLICATION OF THE PARKS AND RECREATIONS DEPARTMENT FOR A GRANT APPLICATION TO THE FEDERAL RECREATIONAL TRAILS PROGRAM TO FUND THE .35 MILE PEDESTRIAN/BICYCLE TIERRA CONNECTOR TO CONNECT THE ROCK ISLAND TRAIL AT 27TH AND HIGHWAY 2 TO THE TIERRA WILLIAMSBURG TRAIL IN TIERRA PARK AT APPROXIMATELY 27TH AND TIERRA DRIVE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82999 WHEREAS, the City of Lincoln through its Parks and Recreation Department intends to apply to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing the Antelope Creek Trail from Old Cheney Road to Highway 2. The project will include the construction of a trail 2.09 miles in length and ten-foot wide with associated landscape and safety features on publicly owned property.

WHEREAS, the total cost of the project is approximately \$552,721. The grant to fund approximately 80% of total construction cost is being requested through the Transportation Enhancement Program. The City of Lincoln will provide \$544 in previously identified funds in the CIP budget for construction as well as an additional \$110,000 that is being provided by developers who have been required to provide funding for the trail going across their development.

WHEREAS, the City of Lincoln wishes to express its support for the project and its willingness to commit to the cost of operation and maintenance of the completed facility in a safe and attractive manner for the public.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the City of Lincoln hereby expresses its support for the application being made by its Parks and Recreation Department to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing the project described above and known as the "Antelope Creek Trail Phase II." Terry Genrich, Parks and Recreation Department Natural Resources and Greenways Manager, is hereby designated as the Project Liaison Officer to work with the State of Nebraska Department of Roads staff and shall be the principal contact for this project.

The City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, handicap, sex, or national origin in the use of the proposed project acquired or developed pursuant to the application for financial assistance. The City of Lincoln certifies that it has the financial capabilities to operate and maintain the completed facility in a safe and attractive manner for public use and further certifies that it will comply, where applicable, with the Americans with Disabilities Act by make the facilities accessible to the handicapped.

The City Clerk is directed to transmit a certified copy of this resolution to the Parks and Recreation Department for inclusion with the application to the State of Nebraska Department of Roads.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING AN APPLICATION OF THE PARKS AND RECREATIONS DEPARTMENT FOR A GRANT APPLICATION TO THE FEDERAL TRANSPORTATION ENHANCEMENT PROGRAM TO FUND A 2.09 MILE PEDESTRIAN/BICYCLE TO CONNECT THE ANTELOPE CREEK TRAIL AT OLD CHENEY ROAD TO HIGHWAY 2 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-83000 WHEREAS, the Parks and Recreation Department of the City of Lincoln proposes to apply for financial assistance from the Nebraska Game and Parks Commission from the Recreational Trails Program for the purpose of constructing a 10 foot wide, 893 foot long connector trail between the Rock Island Trail and the Tierra/ Williamsburg Trail and an eight foot wide, 938 foot long trail connection between 27th Street and the Tierra neighborhood; and

WHEREAS, the City of Lincoln has available and will supply its share of the project cost from previously identified funds in the CIP Budget; and

WHEREAS, the City of Lincoln has the financial capability to maintain the completed improvements in a safe and attractive manner for public use; and

WHEREAS, the City of Lincoln wishes to express its support for the project and its willingness to commit to the cost of maintenance of the completed improvements in a safe and attractive manner for the public.



NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the City of Lincoln hereby expresses its support for the application being made by its Parks and Recreation Department to the Nebraska Game and Parks Commission for financial assistance from the Recreational Trails Program for the purpose of constructing the connection between the Rock Island Trail and Williamsburg/Tierra Trail and the connection between 27th Street and the Tierra neighborhood.

The City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, handicap, sex, or national origin in the use of the proposed project acquired or developed pursuant to the application for financial assistance. The City of Lincoln certifies that it has the financial capabilities to maintain the completed improvements in a safe and attractive manner for public use and further certifies that it will comply, where applicable, with the Americans with Disabilities Act by making the facilities accessible to the handicapped.

The City Clerk is directed to transmit a certified copy of this resolution to the Parks and Recreation Department for inclusion with the application to the Nebraska Game and Parks Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE REPLACEMENT OF THE HARRIS OVERPASS ON O STREET FROM 3RD STREET TO 9TH STREET (CITY PROJECT NO. 701781) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83001 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (District) desire to cooperate with each other in funding of the Harris Overpass on O Street, 3rd to 9th Streets.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City and District attached hereto as Attachment "A" in connection with the funding of the Harris Overpass on O Street, 3rd to 9th Streets is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE SOUTHWEST 40TH STREET, O TO A STREET STUDY PROJECT - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83002 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (District) desire to cooperate with each other in funding of the Southwest 40th Street, O to A Street Study.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City and District attached hereto as Exhibit "A" in connection with the funding of the Southwest 40th Street, O to A Street Study is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Werner; NAYS: Svoboda.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE ANTELOPE VALLEY - PHASE 1, AMENDED DRAFT SINGLE PACKAGE - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83003 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (District) desire to cooperate with each other in funding of the Antelope Valley - Phase 1 "Amended Draft Single Package."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City and District attached hereto as Exhibit "A" in connection with the funding of the Antelope Valley - Phase 1 "Amended Draft Single Package" is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE AT-GRADE RAILROAD CROSSING IN A STREET AT THE SALT CREEK BRIDGE - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83004 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (District) desire to cooperate with each other in funding of the at-grade railroad crossing in A Street at the Salt Creek Bridge.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City and District attached hereto as Exhibit "A" in connection with the funding of the at-grade railroad crossing in A Street at the Salt Creek Bridge is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

COMP. PLAN CONFORMANCE 04004 - APPROVING AMENDMENTS TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ESTABLISH THE HAYMARKET 7TH/8TH STREET CORE REDEVELOPMENT PROJECT IN AN AREA GENERALLY BOUNDED BY R STREET, N. 8TH STREET, O STREET AND N. 7TH STREET - PRIOR to reading:

COOK Moved to amend Bill No. 04R-252 in the following manner: to amend Exhibit IV-130, Proposed Land Use Map, to add to the legend regarding Block 45: Potential vacation by the City and streetscape improvements by the developer; or potential right of way license issued to developer and streetscape improvements by City.

Seconded by McRoy & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; CONFLICT OF INTEREST: Camp.

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83005 WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-69713 finding an area generally bounded by "R" Street, 17th Street, "S" Street, and 7th Street to be blighted, and on October 19, 1987, adopted Resolution No. A-71701 finding said area to be blighted and substandard as defined in the Nebraska Community Development Law (Neb.Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, The City Council has previously adopted the Lincoln Center Redevelopment Plan (hereinafter the "Plan") including plans for various redevelopment projects within said area in accordance with the requirements and procedures of the Nebraska Community Development Laws; and now desires to modify said plan by establishing the "Haymarket 7th/8th Street Core Redevelopment Project" generally bounded on the north by R Street, on the east by N. 8th Street, on the south by O Street and on the west by N. 7th Street, including the redevelopment of 727 R Street (the former Larson Furniture Building) and 737 P Street (the former Salvation Army property); and by making minor administrative revisions and corrections to update the plan; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the redevelopment plan for said blighted and substandard area, which plan as modified is contained in the document entitled "Haymarket 7th & 8th Street Core Redevelopment Project", (hereinafter Haymarket 7th/8th Amendment) which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (2002 Cum. Supp.); and

WHEREAS, on August 20, 2004, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on September 1, 2004 before the Lincoln City - Lancaster County Planning Commission regarding the proposed Haymarket 7th/8th Amendments to the redevelopment plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, on September 16, 2004 a notice of public hearing was mailed postage prepaid to foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on September 27, 2004, regarding the proposed Haymarket 7th/8th Amendment to the Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on September 10, 2004 and September 17, 2004 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on September 27, 2004 regarding the proposed Haymarket 7th/8th Amendment to the Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, said proposed Haymarket 7th/8th Amendment to the Plan has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission has submitted its written recommendations with respect to the proposed Haymarket 7th/8th Amendment conformance to the 2025 Lincoln-Lancaster County Comprehensive Plan to the Mayor and City Council, a copy of said written recommendations having been attached hereto and marked as Attachment "F"; and

WHEREAS, on September 27, 2004 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed modifications to the redevelopment plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the redevelopment plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed modifications to the redevelopment plan.

WHEREAS, the City Council now finds and determines that the Lincoln Center Redevelopment Plan as modified by changing said plan by incorporating the Haymarket 7th/8th Redevelopment Project; and by making minor administrative revisions and corrections to update the plan; is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight, and is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the "Haymarket 7th & 8th Amendment" attached hereto as Attachment "A", establishing the Haymarket 7th & 8th Street Core Redevelopment Project and making minor administrative revisions and corrections to update the plan is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

BE IT STILL FURTHER RESOLVED that the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said redevelopment plan as they relate to the above-described modifications.

BE IT STILL FURTHER RESOLVED, that it is intended that this resolution and the modifications adopted herein are supplemental hereto the findings, approvals, and authorizations set forth in Resolution No. A-68489, Resolution No. A-70273, Resolution No. A-71073, Resolution No. A-71490, Resolution No. A-71701, Resolution No. A-72046, Resolution No. A-72329, Resolution No. A-72774, Resolution No. A-73000, Resolution No. A-73698, Resolution A-74165, Resolution No. A-74186, Resolution A-74291, Resolution No. A-74583, Resolution No. A-74603, Resolution No. A-74583, Resolution No. A-75257, Resolution A-75784, Resolution A-75974, Resolution No. A-75784, Resolution A-76438, Resolution No. A-77828, Resolution No. A-78138, Resolution No. A-78688, Resolution No. A-80587, and Resolution No. A-81681.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; CONFLICT OF INTEREST: Camp.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY, AND THE VILLAGE OF MALCOLM FOR THE OPERATION OF A KENO LOTTERY IN MALCOLM - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83006 WHEREAS, the parties hereto are governmental subdivisions of the State of Nebraska and are public agencies for the purposes of the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et seq. (Cum. Supp. 2002); and

WHEREAS, the Interlocal Cooperation Act permits any two or more public agencies to enter into agreements with one another for joint or cooperative action; and

WHEREAS, the City of Lincoln, Lancaster County, and the Village of Malcolm are agreeable to allow the establishment and operation of Keno satellite facilities in the Village of Malcolm under the Lincoln Keno lottery; and

WHEREAS, the City of Lincoln, Lancaster County, and Village of Malcolm have set out their agreement in what is marked as Attachment "A" and made a part hereof as if set out fully.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln, Lancaster County, and the Village of Malcolm to provide for the establishment and operation of Keno satellite locations in the Village of Malcolm, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return one fully executed copy of the Agreement to the Mark Leikam in the Finance Department for transmittal to the Village of Malcolm.

Introduced by Patte Newman

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF SEPTEMBER 1 - 15, 2004 - PRIOR to reading:

COOK Moved to amend Bill NO. 04R-256 in the following manner: on line 11, the claim of Lisa Fitzgerald be removed from the list of DENIED claims.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83007 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated September 16, 2004, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>			<u>ALLOWED OR SETTLED</u>	
Carie Seaberg		\$	1,751.00	Randy Brinkman	\$2,800.00
<del>Lisa Fitzgerald</del>			<del>50.00</del>	Mindy Curtis	1,312.56
Donna Lilly & Michael Lilly	1,000,000.00			GE Capital Information Technology	4,000.00

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 11, 2004 AT 1:30 PM FOR AN APPLICATION OF PREMIER CATERING INC DBA LINCOLN STATION GREAT HALL FOR A CLASS C LIQUOR LICENSE WITH CATERING LOCATED AT 201 NORTH 7TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83008 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 11, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the Application of Premier Catering Inc dba Lincoln Station Great Hall for a Class C Liquor License with Catering located at 201 North 7<sup>th</sup> Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 11, 2004 AT 1:30 PM FOR AN APPLICATION OF RIB RANCH INC DBA RIB RANCH FOR A CLASS I LIQUOR LICENSE LOCATED AT 6440 "O" STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83009 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 11, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the Application of Rib Ranch Inc dba Rib Ranch for a Class I Liquor License located at 6440 "O" Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 11, 2004 AT 1:30 P.M. FOR A MANAGER APPLICATION OF RICKY J. REZAC FOR MOOSE LOYAL ORDER 175 DBA MOOSE LODGE 175 LOCATED AT 4901 N. 56<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83010 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 11, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the Manager Application of Ricky J. Rezac for Moose Loyal Order 175 dba Moose Lodge 175 located at 4901 N. 56<sup>th</sup> Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**PETITIONS & COMMUNICATIONS - NONE**

**REPORTS OF CITY OFFICERS**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPTEMBER 20, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF SEPTEMBER 13 THRU SEPTEMBER 24, 2004 -  
CLERK read the following resolution, introduced by Annette McRoy, who  
moved its adoption:

A-83011 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln,  
Nebraska:

That the attached list of investments be confirmed and approved,  
and the City Treasurer is hereby directed to hold said investments until  
maturity unless otherwise directed by the City Council.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS  
AUGUST 31, 2004 - CLERK presented said report which was placed on file  
in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-  
TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED AUGUST 31, 2004 -  
CLERK read the following resolution, introduced by Patte Newman, who  
moved its adoption:

A-83012 BE IT RESOLVED by the City Council of the City of Lincoln,  
Nebraska:

That during the month ended August 31, 2004, \$744,843.45 was  
earned from the investments of "IDLE FUNDS". The same is hereby  
distributed to the various funds on a pro-rata basis using the balance  
of each fund and allocating a portion of the interest on the ratio that  
such balance bears to the total of all fund balances.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**ORDINANCES - 1<sup>ST</sup> READING & ASSOCIATED RESOLUTIONS**

(Resolutions listed hereunder advance to Public Hearing on 10/4/04)

MISC. NO. 03012 - ADOPTING THE CITY OF LINCOLN PROGRAM FOR PAYMENT OF ARTERIAL  
STREET IMPACT FEE TO PROMOTE ECONOMIC DEVELOPMENT.

CHANGE OF ZONE 04058 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO  
AMEND THE IMPACT FEE ORDINANCE TO ADOPT A NEW METHOD FOR THE  
REIMBURSEMENT OF ARTERIAL STREET IMPACT FEES FOR QUALIFYING ECONOMIC  
DEVELOPMENT PROJECTS TO BE MADE IN CONFORMANCE WITH A SPECIFIC POLICY  
STATEMENT ADOPTED BY RESOLUTION OF THE CITY COUNCIL RATHER THAN BY A  
VOTE OF AT LEAST FIVE CITY COUNCIL MEMBERS - CLERK read an ordinance,  
introduced by Patte Newman, amending Section 27.82.110 of the Lincoln  
Municipal Code to adopt a new method by which the reimbursement of  
arterial street impact fees, for qualifying economic development  
projects, shall only be made in conformance with a specific policy  
statement adopted by resolution of the City Council, rather than by a  
vote of at least five City Council members; and repealing Section  
27.82.110 of the Lincoln Municipal Code as hitherto existing, the first  
time.

AMENDING CHAPTER 5.36 OF THE LINCOLN MUNICIPAL CODE RELATING TO PEDDLERS TO  
CLARIFY THAT HEARINGS FOR THE REVOCATION OF A PEDDLER'S PERMIT SHALL BE  
HELD BEFORE THE PERMIT REVIEW BOARD, AND TO ESTABLISH THE PERMIT REVIEW  
BOARD, RATHER THAN THE CITY COUNCIL, AS THE BOARD TO HEAR THE APPEAL OF  
AN APPLICANT DENIED A PEDDLER PERMIT - CLERK read an ordinance,  
introduced by Patte Newman, amending Chapter 5.36 of the Lincoln  
Municipal Code relating to Peddlers by amending Section 5.36.110 to  
clarify that hearings for the revocation of a peddler's permit shall be  
held before the Permit Review Board; amending Section 5.36.120 to  
establish the Permit Review Board, rather than the City Council, as the  
board to hear the appeal of an applicant denied a peddler permit; and  
repealing Sections 5.36.110 and 5.36.120 of the Lincoln Municipal Code  
as hitherto existing, the first time.

AMENDING CHAPTER 9.32 OF THE LINCOLN MUNICIPAL CODE RELATING TO LOTTERIES TO  
DEFINE THE PURPOSES TO WHICH LOTTERY AND RAFFLE PROFITS ARE TO BE  
DEVOTED, TO ALLOW THE CITY CLERK TO APPROVE OR DENY APPLICATIONS FOR  
LOTTERY AND RAFFLE PERMITS, TO ESTABLISH AN APPEAL PROCEDURE FOR DENIED  
APPLICATIONS, TO CREATE AN APPEALS BOARD, AND TO REVISE THE PROCEDURE ON

REVOCATION OF PERMITS - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 9.32 of the Lincoln Municipal Code relating to Lotteries by amending Section 9.32.030 to define the purposes to which lottery and raffle profits are to be devoted; amending Section 9.32.050 to allow the City Clerk to approve or deny applications for lottery and raffle permits; adding a new section numbered 9.32.050 to allow the City Clerk to approve or deny applications for lottery and raffle permits; adding a new section numbered 9.32.065 to establish an appeal procedure for denied applications and to create an appeals board; amending Section 9.32.070 to revise the procedure on revocation of permits; and repealing Sections 9.32.030, 9.32.050, and 9.32.070 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 3.04.040 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE FEES CHARGED BY THE CITY FOR PHOTOSTATIC COPIES, TYPEWRITTEN COPIES OF ANY RECORD, AND USE OF THE CORPORATE SEAL ON ANY ATTESTATION, ACKNOWLEDGMENT OR OTHER CERTIFICATE - CLERK read an ordinance, introduced by Patte Newman, amending Section 3.04.040 of the Lincoln Municipal Code to increase the fees charged by the City for photostatic copies, typewritten copies of any record, and use of the corporate seal on any attestation, acknowledgment or other certificate ; and repealing Section 3.04.040 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 10.06.160 OF THE LINCOLN MUNICIPAL CODE TO MAKE THE GENERAL CLASSIFICATION OF VIOLATIONS OF THE PROVISIONS OF TITLE 10 CONSISTENT WITH THE GENERAL CLASSIFICATION OF TRAFFIC VIOLATIONS OF THE NEBRASKA RULES OF THE ROAD - CLERK read an ordinance, introduced by Patte Newman, amending Section 10.06.160 of the Lincoln Municipal Code to make the general classification of violations of the provisions of Title 10 consistent with the general classification of violations of the Nebraska Rules of the Road, and repealing Section 10.06.160 of the Lincoln Municipal code as hitherto existing, the first time.

CHANGE OF ZONE 04042 - AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITTED SIGNS IN THE H-3 ZONING DISTRICT TO CLARIFY LANGUAGE AND TO ALLOW ON-PREMISES POLE SIGNS LOCATED WITHIN 660 FEET OF THE DESIGNATED INTERSTATE TO INCLUDE ELECTRONIC CHANGEABLE COPY UP TO 240 SQUARE FEET IN THE SIGN AREA, AND RELATING TO PERMITTED SIGNS IN NON-RESIDENTIAL DISTRICT TO ALLOW AN EXCEPTION TO THE MAXIMUM CHANGING SIGN AREA - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 27.69 of the Lincoln Municipal Code relating to signs by amending Section 27.69.049 relating to permitted signs in the H-3 zoning district to clarify language and to allow on premises pole signs located within 660 feet of the designated interstate to include electronic changeable copy up to 240 square feet in sign area; by amending Section 27.69.270 relating to other permitted signed in non-residential districts to allow an exception to the maximum changing sign area as provided in Section 27.69.049(d); and repealing Sections 27.69.049 and 27.69.270 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 04044 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.07.040 TO ELIMINATE THE REQUIREMENT THAT A COMMUNITY UNIT PLAN IN THE AG DISTRICT SHALL CONTAIN A MINIMUM AREA OF 75 ACRES; BY AMENDING SECTION 27.65.020 TO PROVIDE PROVISIONS REGARDING APPROVAL OF A COMMUNITY UNIT PLAN IN THE BTA OVERLAY DISTRICT WITH UNDERLYING AG OR AGR ZONING TO REQUIRE THAT IN THE BTA OVERLAY DISTRICT THE LAND WITHIN A COMMUNITY PLAN BE DIVIDED INTO TWO COMPONENTS, AN ACREAGE DEVELOPMENT COMPONENT AND AN URBAN RESERVE COMPONENT, TO PROVIDE DENSITY BONUS, AND TO PROVIDE FOR THE TIMING OF SUBDIVISION AND DEVELOPMENT OF EACH COMPONENT; BY AMENDING SECTION 27.65.030 TO PROVIDE THAT THE APPLICATION FOR A COMMUNITY UNIT PLAN SHALL BE FILED WITH THE PLANNING DEPARTMENT RATHER THAN THE DEPARTMENT OF BUILDING AND SAFETY AND TO REQUIRE THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND THE PERMITTEE FOR DEVELOPMENT OF A COMMUNITY UNIT PLAN LOCATED IN THE BTA OVERLAY DISTRICT; BY AMENDING SECTION 27.65.070 TO PROVIDE FOR THE FORM OF COMMUNITY PLAN IN THE R-1 THROUGH R-6 ZONING DISTRICTS AND IN THE AG AND AGR ZONING DISTRICTS NOT WITHIN THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.65.075 TO PROVIDE FOR THE FORM OF A COMMUNITY UNIT PLAN IN THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.010 TO PROVIDE REGULATIONS FOR THE BTA BUILD THROUGH ACREAGE OVERLAY DISTRICT; BY ADDING A NEW SECTION

NUMBERED 27.83.020 TO DESCRIBE THE PURPOSE OF THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.030 TO ESTABLISH THE DISTRICT BOUNDARIES FOR THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.040 TO ESTABLISH USE REGULATIONS FOR THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.050 TO PROVIDE PROVISIONS GOVERNING THE USE OF AN UNDERSIZED LOT FOR A SINGLE FAMILY DWELLING PURSUANT TO A SPECIAL PERMIT FOR A COMMUNITY UNIT PLAN IN THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.060 TO ESTABLISH AREA, HEIGHT, GRADING AND LAND USE DISTURBANCE, PARKING, AND SIGN REGULATIONS FOR THE BTA OVERLAY DISTRICT - CLERK read an ordinance, introduced by Patte Newman, amending Title 27 of the Lincoln Municipal Code relating to zoning by amending Section 27.07.040 to eliminate the requirement that a community unit plan in the AG district shall contain a minimum area of 75 acres; by amending Section 27.65.020 to provide provisions regarding approval of a community unit plan in the BTA Overlay District with underlying AG or AGR zoning to require that in the BTA Overlay District the land within a community plan be divided into two components, an Acreage Development Component and an Urban Reserve Component, to provide density bonus, and to provide for the timing of subdivision and development of each component; by amending Section 27.65.030 to provide that the application for a community unit plan shall be filed with the Planning Department rather than the Department of Building and Safety and to require the execution of an agreement between the City and the permittee for development of a community unit plan located in the BTA Overlay District; by amending Section 27.65.070 to provide for the form of community plan in the R-1 through R-6 zoning districts and in the AG and AGR zoning districts not within the BTA Overlay District; by adding a new section numbered 27.65.075 to provide for the form of a community unit plan in the BTA Overlay District; by adding a new section numbered 27.83.010 to provide regulations for the BTA Build Through Acreage Overlay District; by adding a new section numbered 27.83.020 to describe the purpose of the BTA Overlay District; by adding a new section numbered 27.83.030 to establish the district boundaries for the BTA Overlay District; by adding a new section numbered 27.83.040 to establish use regulations for the BTA Overlay District; by adding a new section numbered 27.83.050 to provide provisions governing the use of an undersized lot for a single family dwelling pursuant to a special permit for a community unit plan in the BTA Overlay District; by adding a new section numbered 27.83.060 to establish area, height, grading and land use disturbance, parking, and sign regulations for the BTA Overlay District; by repealing Sections 27.07.040, 27.65.020, 27.65.030, and 27.65.070 of the Lincoln Municipal Code as hitherto existing; and by codifying Sections 27.83.010 through 27.83.060 as Chapter 27.83 of the Lincoln Municipal Code, entitled "Build Through Acreage Overlay District", the first time.

MISC. NO. 04008A - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.11.037 TO ELIMINATE THE PROVISION THAT A PRELIMINARY PLAT SHALL ONLY BE EFFECTIVE FOR A PERIOD OF TEN YEARS FROM THE DATE OF THE CITY'S APPROVAL; BY AMENDING SECTION 26.11.038 TO PROVIDE PROVISIONS REGARDING THE INSTALLMENT OR CONSTRUCTION OF UTILITIES WITHIN THE ACREAGE DEVELOPMENT COMPONENT OF A COMMUNITY UNIT PLAN LOCATED IN THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 26.15.050 TO REQUIRE A TRANSITIONAL PRELIMINARY PLAT FOR THE FUTURE CONVERSION OF THE ACREAGE DEVELOPMENT COMPONENT AND DEVELOPMENT OF THE URBAN RESERVE COMPONENT FOR COMMUNITY UNIT PLANS WITHIN THE BTA OVERLAY DISTRICT AND TO DELINEATE REQUIRED INFORMATION TO BE SHOWN ON THE TRANSITIONAL PRELIMINARY PLAT; BY ADDING A NEW SECTION NUMBERED 26.23.122 TO REQUIRE EASEMENTS AND DEDICATIONS FOR FUTURE USE OF LAND FOR STREETS AND PUBLIC UTILITIES UNDER THE FUTURE CONVERSION OF THE ACREAGE DEVELOPMENT COMPONENT OF A COMMUNITY UNIT PLAN TO BE INCLUDED AS PART OF ANY FINAL PLAT FOR THE ORIGINAL DEVELOPMENT OF THE ACREAGE DEVELOPMENT COMPONENT - CLERK read an ordinance, introduced by Patte Newman, amending Title 26 of the Lincoln Municipal Code relating to the Land Subdivision ordinance by amending Section 26.11.037 to eliminate the provision that a preliminary plat shall only be effective for a period of ten years from the date of the City's approval; by amending Section 26.11.038 to provide provisions regarding the installment or construction of utilities within the Acreage Development Component of a community unit plan located in the BTA Overlay District; by adding a new section numbered 26.15.050 to require a transitional preliminary plat for the future conversion of the



Acreage Development Component and development of the Urban Reserve Component for community unit plans within the BTA Overlay District and to delineate required information to be shown on the transitional preliminary plat; by adding a new section numbered 26.23.122 to require easements and dedications for future use of land for streets and public utilities under the future conversion of the Acreage Development Component of a community unit plan to be included as part of any final plat for the original development of the Acreage Development Component; and repealing Sections 26.11.037 and 26.11.038 of the Lincoln Municipal Code as hitherto existing, the first time.

MISC. NO. 04008B - AMENDING CHAPTER 26.27 OF THE LINCOLN MUNICIPAL CODE RELATING TO MINIMUM IMPROVEMENTS BY AMENDING SECTIONS 26.27.020, SIDEWALKS; 26.27.070, STREET LIGHTING; 26.27.080, LANDSCAPE SCREENS; AND 26.27.090, TREES, TO WAIVE THE REQUIREMENT FOR THE INSTALLATION OF THE FOREGOING IMPROVEMENTS FOR SUBDIVISIONS LOCATED OUTSIDE THE CITY LIMITS WHERE ALL LOTS CONTAIN AN AREA OF ONE OR MORE ACRES - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 26.27 of the Lincoln Municipal Code relating to Minimum Improvements by amending Sections 26.27.020, Sidewalks; 26.27.070, Street Lighting; of the foregoing improvements for subdivisions located outside the city limits where all lots contain an area of one or more acres; and repealing Sections 26.27.020, 26.27.070, 26.27.080, and 26.27.090 of the Lincoln Municipal Code as hitherto existing, the first time.

MISC NO. 04011 - AMENDING THE DESIGN STANDARDS UNDER CHAPTER 2.20 - RURAL PUBLIC STREET DESIGN STANDARDS, TO REVISE THE TITLE TO RURAL PUBLIC AND INTERMEDIATE BTA PUBLIC STREET DESIGN STANDARDS; TO REVISE SECTION 1 TO INCLUDE PROVISIONS REGARDING PAVING OF PUBLIC STREETS IN AN AREA SUBJECT TO APPLICATION OF BTA BUILD THROUGH ACREAGE STANDARDS AND TO ESTABLISH DESIGN STANDARDS FOR RURAL STREETS WHICH INCLUDE ELEMENTS OF THE CITY'S DESIGN STANDARDS FOR BOTH URBAN AND RURAL PUBLIC STREETS WHICH WILL ENCOURAGE ULTIMATE TRANSITION TO AN ACCEPTABLE URBAN STREET CROSS SECTION; TO REVISE SECTION 2.3 TO REQUIRE STREET ALIGNMENTS SHOWN AS BEING EXTENDED IN THE TRANSITIONAL PLAT TO BE GRADED IN SUCH A WAY AS TO ENCOURAGE THE EVENTUAL EXTENSION OF THE STREET; TO REVISE SECTION 3.1 TO REDUCE THE MINIMUM DESIGN SPEED FOR LOCAL STREETS; TO REVISE SECTION 3.2 TO CLARIFY THAT OBSTRUCTIONS SHALL NOT BE PLACED IN PUBLIC STREET RIGHT-OF-WAY AS OPPOSED TO JUST THE PUBLIC STREET; TO REVISE SECTION 3.3.2 TO MODIFY THE TABLE WHICH SETS THE MINIMUM RADII FOR VARIOUS DESIGN SPEEDS; TO REVISE SECTION 3.4.1.B. TO PROVIDE THAT THE MAXIMUM LONGITUDINAL GRADE FOR LOCAL STREETS WILL BE 7%; TO REVISE SECTION 3.4.2 TO REVISE THE TABLE FOR MINIMUM LENGTH VERTICAL CURVES NECESSARY TO PROVIDE ADEQUATE SAFE ENTERING SIGHT DISTANCE; TO REVISE SECTION 3.5 TO PROVIDE FOR A RURAL CROSS SECTION DESIGNED FOR FUTURE CONVERSION TO AN URBAN CROSS SECTION; TO DELETE SECTION 3.5.2 RELATING TO GRANULAR SURFACING; TO ADD A NEW SECTION 3.10 TO PROVIDE FOR SIDEWALKS AND PEDESTRIAN ACCOMMODATIONS, TO PROVIDE FOR THE ELECTIVE CONSTRUCTION OF SIDEWALKS IN INITIAL ACREAGE SUBDIVISIONS IN BTA DEVELOPMENTS, AND TO REQUIRE SIDEWALKS WHEN ANNEXATION OF THE SUBDIVISION AND TRANSITION TO HIGHER DENSITIES OCCURS; AND TO SUBSTITUTE A NEW FIGURE RSI AS A TYPICAL CROSS SECTION FOR RURAL STREETS IMPROVEMENTS.

CHANGE OF ZONE 04045A - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTIONS 27.27.080(B), 27.28.090(B), 27.31.100(B), AND 27.37.070(E) TO DELETE "THE LOCATION OF PROPOSED FREE-STANDING SIGNS" FROM THE LIST OF INFORMATION TO BE INCLUDED WITH THE USE PERMIT APPLICATION IN THE O-3 OFFICE PARK DISTRICT, R-T RESIDENTIAL TRANSITION DISTRICT, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, AND B-5 PLANNED REGIONAL BUSINESS DISTRICT; BY AMENDING SECTION 27.69.083 TO DELETE THE REQUIREMENT THAT THE LOCATION, SIZE AND ILLUMINATION OF ALL SIGNS BE SHOWN ON THE USE PERMIT APPLICATION AND THAT IT BE APPROVED AS PART OF SAID APPLICATION AND THAT THE SIGN BE IN KEEPING WITH THE CHARACTER OF THE AREA IN WHICH IT IS LOCATED; BY REPEALING SECTION 27.69.085 RELATING TO PERMITTED SIGNS IN A CORPORATE OFFICE PARK PLANNED UNIT DEVELOPMENT; BY AMENDING SECTION 27.69.160 TO ELIMINATE THE REQUIREMENT THAT THE LOCATION, SIZE AND ILLUMINATION OF SIGNS BE SHOWN ON THE SPECIAL PERMIT APPLICATION AND BE APPROVED AS PART OF SAID APPLICATION AND TO ELIMINATE THE REQUIREMENT THAT THE SIGN BE IN KEEPING WITH THE CHARACTER OF THE AREA IN WHICH IT IS LOCATED; BY AMENDING SECTION 27.69.220 TO ELIMINATE THE REQUIREMENT CONCERNING GROUND SIGNS WHEN PART OF A LANDSCAPE SCREEN APPROVED BY THE PLANNING DIRECTOR; BY AMENDING SECTION 27.70.050 TO MODIFY THE REQUIREMENTS AFTER APPROVAL OF A USE PERMIT TO ALLOW BUILDING

PERMITS, CERTIFICATES OF OCCUPANCY, AND SUBDIVISION OF PROPERTY TO BE ISSUED OR APPROVED UPON SUBSTANTIAL COMPLIANCE WITH THE PLOT PLAN AS APPROVED AND TO GRANT THE PLANNING DIRECTOR THE AUTHORITY TO REVIEW AND DETERMINE IF A PROPOSAL IS IN SUBSTANTIAL CONFORMANCE WITH THE SPIRIT AND INTENT OF THE APPROVED PLAN - CLERK read an ordinance, introduced by Patte Newman, amending Title 27 of the Lincoln Municipal Code by amending Sections 27.27.080(b), 27.28.090(b), 27.31.100(b), and 27.37.070(e) to delete "the location of proposed free-standing signs" from the list of information to be included with the use permit application in the O-3 Office Park District, R-T Residential Transition District, B-2 Planned Neighborhood Business District, and B-5 Planned Regional Business District; by amending Section 27.69.083 to delete the requirement that the location, size and illumination of all signs be shown on the use permit application and that it be approved as part of said application and that the sign be in keeping with the character of the area in which it is located; by repealing Section 27.69.085 relating to permitted signs in a Corporate Office Park planned unit development; by amending Section 27.69.160 to eliminate the requirement that the location, size and illumination of signs be shown on the special permit application and be approved as part of said application and to eliminate the requirement that the sign be in keeping with the character of the area in which it is located; by amending Section 27.69.220 to eliminate the requirement concerning ground signs when part of a landscape screen approved by the Planning Director; by amending Section 27.70.050 to modify the requirements after approval of a use permit to allow building permits, certificates of occupancy, and subdivision of property to be issued or approved upon substantial compliance with the plot plan as approved and to grant the Planning Director the authority to review and determine if a proposal is in substantial conformance with the spirit and intent of the approved plan; and repealing Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.69.083, 27.69.160, 27.69.220, and 27.70.050 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 04045B - AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTIONS 27.63.010, 27.63.070, 27.63.120, 27.63.130, 27.63.170, 27.63.210, 27.63.280, 27.63.400, 27.63.420, 27.63.430, 27.63.470, 27.63.530, 27.63.570, 27.63.580, AND 27.63.590 TO MODIFY PROVISIONS WITHIN SAID SECTIONS TO ALLOW SPECIAL PERMITS TO BE APPROVED BY THE PLANNING COMMISSION RATHER THAN THE CITY COUNCIL - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 27.63 of the Lincoln Municipal Code relating to special permits by amending Sections 27.63.010, 27.63.070, 27.63.120, 27.63.130, 27.63.170, 27.63.210, 27.63.280, 27.63.400, 27.63.420, 27.63.430, 27.63.470, 27.63.530, 27.63.570, 27.63.580, and 27.63.590 to modify provisions within said sections to allow special permits to be approved by the Planning Commission rather than the City Council; and repealing Sections 27.63.010, 27.63.070, 27.63.120, 27.63.130, 27.63.170, 27.63.210, 27.63.280, 27.63.400, 27.63.420, 27.63.430, 27.63.470, 27.63.530, 27.63.570, 27.63.580, and 27.63.590 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 04045C - AMENDING CHAPTER 27.65 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMMUNITY UNIT PLANS BY AMENDING SECTION 27.65.020 TO AMEND THE GENERAL REQUIREMENTS TO GRANT THE PLANNING COMMISSION AUTHORITY TO APPROVE THE SPECIAL PERMIT AND TO ALLOW THE PLAN TO PROPOSE MODIFICATIONS TO THE HEIGHT AND AREA REGULATIONS OF THE DISTRICT IN WHICH THE COMMUNITY UNIT PLAN IS LOCATED; BY AMENDING SECTION 27.65.030 TO ELIMINATE REFERENCES TO CITY COUNCIL APPROVAL OF COMMUNITY UNIT PLANS, ESTABLISHING STANDARDS FOR THE PLANNING COMMISSION TO FOLLOW IN APPROVING OR DENYING AN APPLICATION FOR A COMMUNITY UNIT PLAN, AND PROVIDING FOR AN APPEAL FROM THE PLANNING COMMISSION'S DECISION TO THE CITY COUNCIL BY AN AGGRIEVED PARTY; BY REPEALING SECTION 27.65.040 TO ELIMINATE CITY COUNCIL FINAL ACTION ON THE APPLICATION; BY AMENDING SECTION 27.65.050 TO REVISE PROVISIONS REGARDING DEVELOPMENT OF THE COMMUNITY UNIT PLAN AFTER ITS APPROVAL; BY AMENDING SECTION 27.65.060 TO GRANT THE PLANNING DIRECTOR LIMITED AUTHORITY TO APPROVE MINOR INCREASES IN THE NUMBER OF DWELLING UNITS AND TO APPROVE MINOR INTERNAL CHANGES TO THE APPLICABLE SETBACK, YARD OR HEIGHT REQUIREMENTS WITHIN A COMMUNITY UNIT PLAN; BY AMENDING SECTION 27.65.070 TO DELETE THE NEED FOR THE CITY CLERK TO SIGN A CERTIFICATE SHOWING APPROVAL OR DISAPPROVAL BY THE CITY COUNCIL; BY AMENDING SECTION 27.65.090 TO ALLOW THE PLANNING COMMISSION

TO MODIFY PARKING REQUIREMENTS UNDER SPECIFIED CONDITIONS - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 27.65 of the Lincoln Municipal Code relating to community unit plans by amending Section 27.65.020 to amend the general requirements to grant the Planning Commission to approve the special permit and to allow the plan to propose modifications to the height and area regulations of the district in which the community unit plan is located; by amending Section 27.65.030 to eliminate references to City Council approval of community unit plans, establishing standards for the Planning Commission to follow in approving or denying an application for a community unit plan, and providing for an appeal from the Planning Commission's decision to the City Council by an aggrieved party; by repealing Section 27.65.040 to eliminate City Council final action on the application; by amending Section 27.65.050 to revise provisions regarding development of the community unit plan after its approval; by amending Section 27.65.060 to grant the Planning Director limited authority to approve minor increases in the number of dwelling units and to approve minor internal changes to the applicable setback, yard or height requirements within a community unit plan; by amending Section 27.65.070 to delete the need for the City Clerk to sign a certificate showing approval or disapproval by the City Council; by amending Section 27.65.090 to allow the Planning Commission to modify parking requirements under specified conditions; and repealing Sections 27.65.020, 27.65.030, 27.65.050, 27.65.060, 27.65.070, and 27.65.090 of the Lincoln Municipal Code as hitherto existing, the first time.

MISC. NO. 04009 - AMENDING CHAPTER 3.35 OF THE CITY OF LINCOLN DESIGN STANDARDS FOR COMMUNITY UNIT PLANS TO SIMPLIFY THE DENSITY CALCULATION AND AMEND THE CLUSTER DENSITY.

**ORDINANCES - 3<sup>RD</sup> READING**

CHANGE OF ZONE 04054 - APPLICATION OF STEVEN MIERS FOR A CHANGE OF ZONE FROM R-5 TO I-1 ON APPROXIMATELY 1.6 ACRES GENERALLY LOCATED AT 66TH AND VINE STREETS - CLERK read an ordinance, introduced by Glenn Friendt, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

FRIENDT Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18441**, is recorded in Ordinance Book #25.

STREET AND ALLEY VACATION 03017 - VACATING THE WEST 20' OF 24TH STREET BETWEEN U AND VINE STREETS AND THE NORTH 15' OF U STREET FROM 23RD TO 24TH STREETS - CLERK read an ordinance, introduced by Glenn Friendt, vacating the west 20 feet of 24<sup>th</sup> Street between U and Vine Streets, and the north 15 feet of U Street from 23<sup>rd</sup> to 24<sup>th</sup> Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

FRIENDT Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18442**, is recorded in Ordinance Book #25.

SPECIAL PERMIT 04025 - APPLICATION OF BRIGHTON CONSTRUCTION COMPANY TO DEVELOP LIBERTY VILLAGE COMMUNITY UNIT PLAN CONSISTING OF 16 SINGLE FAMILY DWELLINGS WITH REQUESTED WAIVERS TO THE REQUIRED PRELIMINARY PLAT PROCESS, FRONT AND SIDE YARD SETBACKS, STORM WATER DETENTION, MINIMUM LOT AREA, AVERAGE LOT WIDTH, RECREATION FACILITIES, OPEN SPACE, AND UTILITY EASEMENT WIDTH, ON PROPERTY GENERALLY LOCATED AT 24TH AND VINE STREETS - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-83013 WHEREAS, Brighton Construction Company has submitted an application designated as Special Permit No. 04025 for authority to develop Liberty Village Community Unit Plan consisting of 16 single-family residential units with requested waivers to the required preliminary plat process, front yard setback, side yard setback, storm water detention, minimum lot area, average lot width, recreation facilities, open space, and utility easement width, on property located

at 24th and Vine Streets, and legally described to wit:  
Lots 4 and 5, Block 3, Hawley's Addition; Lots A, B,  
and C, Kelly's Subdivision; the west 20 feet of  
existing S. 24th Street right-of-way and the north 15  
feet of existing U Street right-of-way adjacent  
thereto, located in the Southeast Quarter of Section  
24, Township 10 North, Range 6 East, Lancaster County,  
Nebraska;

WHEREAS, the real property adjacent to the area included within  
the site plan for this will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions  
hereinafter set forth are consistent with the intent and purpose of  
Title 27 of the Lincoln Municipal Code to promote the public health,  
safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
Lincoln, Nebraska:

That the application of Brighton Construction Company, hereinafter  
referred to as "Permittee", to develop Liberty Village Community Unit  
Plan consisting of 16 single-family residential units, on the property  
legally described above, be and the same is hereby granted under the  
provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln  
Municipal Code upon condition that construction and operation of said  
community unit plan be in strict compliance with said application, the  
site plan, and the following additional express terms, conditions, and  
requirements:

1. This permit approves 16 single-family detached dwelling units,  
and the following variances to the Zoning Code, Land Subdivision  
Ordinance and Design Standards:

- a. The required front yard setback is reduced from 20' to 10'  
along Vine Street, to 1' along N. 24th Street, and to 5'  
along U Street.
  - b. The required side yard setback is reduced from 5' to 4'.
  - c. The requirement for on-site storm water detention is waived  
as this is an infill project that has adjacent City storm  
sewer.
  - d. The required minimum lot area is reduced from 4,000 sq. ft.  
to 2,200 sq. ft. due to the unique site conditions.
  - e. The required average lot width is reduced from 50 ft. to 30  
ft. similar to other residences in the area.
  - f. The required recreational facilities are waived as there are  
adequate recreational facilities near this site.
  - g. The required open space is waived as this is a single family  
infill area near existing parks.
  - h. The required utility easement width is waived provided  
Permittee maintains 10' of separation between the water and  
sewer mains.
  - i. The requirement that the Permittee submit a preliminary plat  
is waived, except that this waiver of the preliminary plat  
shall only be  
effective for a period of ten years from the date of the  
this approval, and shall be of no force or effect  
thereafter. If any final plat on all or a portion of the  
approved community unit plan is submitted five years or more  
after the effective date of the community unit plan, the  
City may require that a new community unit plan be  
submitted, pursuant to all the provisions of Section  
26.31.015. A new community unit plan may be required if the  
subdivision ordinance, the design standards, or the required  
improvements have been amended by the city; and as a result,  
the community unit plan as originally approved does not  
comply with the amended rules and regulations.
2. Before receiving building permits:
    - a. The Permittee must submit an acceptable, revised final plan  
including 8 copies.
    - b. The construction plans must conform to the approved plans.
    - c. Final plats within the area of this community unit plan must  
be approved by the City.
  3. Before occupying the dwelling units all development and  
construction must be completed in conformance with the approved plans.
  4. All privately-owned improvements must be permanently  
maintained by the Permittee or an appropriately established homeowners  
association approved by the City Attorney.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN ACTION PROGRAM FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving a Sublease Agreement between the City of Lincoln and Lincoln Action Program for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of July 1, 2004 through June 30, 2005 whereby the City of Lincoln is subleasing space to Lincoln Action Program at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the third time.

FRIENDT Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18443**, is recorded in Ordinance Book #25.

APPROVING A COMMUNICATIONS SITE SUBLEASE AGREEMENT BETWEEN THE CITY AND WIRELESS LAND LP FOR THE PLACEMENT OF 911 FACILITIES ON A CITY TOWER IN SAUNDERS COUNTY - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving the Sublease Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Wireless Land LP for the placement of City's emergency communications facilities upon a tower and tower property leased by Wireless Land and authorizing the Mayor to sign such Sublease Agreement on behalf of the City, the third time.

FRIENDT Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18444**, is recorded in Ordinance Book #25.

APPROVING AN ANTENNA SITE LEASE AGREEMENT BETWEEN THE CITY AND NORRIS PUBLIC POWER DISTRICT FOR THE PLACEMENT OF 911 FACILITIES ON A CITY TOWER IN HALLAM, NEBRASKA - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving the Sublease Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Norris Public Power District for the placement of City's emergency communications facilities upon a tower and tower property leased by Norris Public Power District and authorizing the Mayor to sign such Sublease Agreement on behalf of the City, the third time.

FRIENDT Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18445**, is recorded in Ordinance Book #25.

APPROVING A COMMUNICATIONS SITE LICENSE AGREEMENT BETWEEN THE CITY AND NEXTEL WIP LEASE CORP. FOR THE PLACEMENT OF 911 FACILITIES ON CITY PROPERTY IN CERESCO, NEBRASKA - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving the Sublease Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Nextel WIP Lease Corporation, hereinafter Nextel, for the placement of City's emergency communications facilities upon a tower and tower property leased by Nextel and authorizing the Mayor to sign such Sublease Agreement on behalf of the City, the third time.

**REGULAR MEETING  
SEPTEMBER 27, 2004  
PAGE 1196**

FRIENDT Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **#18446**, is recorded in Ordinance Book #25.

COMP. PLAN AMENDMENT 04020 - AMENDING THE MOBILITY AND TRANSPORTATION ELEMENT OF THE LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN, TO UPGRADE EXISTING US HIGHWAY 77/WEST BYPASS FROM AN EXPRESSWAY TO A FREEWAY BEGINNING AT THE PLANNED SOUTH BELTWAY INTERCHANGE JUST SOUTH OF SALTILLO ROAD AND ENDING AT INTERSTATE 80, TO CONSTRUCT NEW INTERCHANGES AT PIONEERS BOULEVARD AND WARLICK BOULEVARD, TO CLOSE ACCESS TO US-77 AT ROKEBY BOARD, YANKEE HILL ROAD AND OLD CHENEY ROAD, AND TO CHANGE THE FUTURE FUNCTIONAL CLASSIFICATION OF US-77 FROM I-80 TO THE SOUTH BELTWAY INTERCHANGE, THE SOUTH BELTWAY AND THE EAST BELTWAY TO FREEWAY STATUS - PRIOR to reading:

FRIENDT Moved to delay action on Bill No. 04R-228 for 2 weeks to 10/11/04.  
Seconded by Newman & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**MISCELLANEOUS BUSINESS**

COOK Moved to reconsider Bill #04R-238 in 1 week on 10/4/04, which pertains to the LES rate increase.  
Terry Bundy, LES Administrator, came forward to help answer questions of the Council. Further discussion followed.  
Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Svoboda, Werner; NAYS: Camp, Newman.

**PENDING -**

CAMP Moved to extend the Pending List to October 4, 2004.  
Seconded by McRoy & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on October 4, 2004.  
Seconded by McRoy & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**ADJOURNMENT 9:43 P.M.**

CAMP Moved to adjourn the City Council meeting of September 27, 2004.  
Seconded by McRoy & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
So ordered.

---

Joan E. Ross, CMC, City Clerk

---

Jamie Phillips, Senior Office Assistant